IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 20784 of 2004(Y)

PETITIONERS:

1. P.O.DEVASSIA,
   PARASSERIL HOUSE, THELLAKOM P.O.,
   PADINJATTUBHAGOM KARA, ATHIRAMPUZHA VILLAGE.

2. JEROY,
   PONNATTIL HOUSE, PADINJATTUMBHAGOM KARA,
   ATHIRAMPUZHA VILLAGE.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT:

THOMSON, S/O. THOMAS,
AGED 49, KUNCHIYANIL HOUSE, THELLAKOM P.O.,
PADINJATTUMBHAGOM KARA, ATHIRAMPUZHA VILLAGE.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 20784 OF 2004

Dated this the 27th day of June, 2007

JUDGMENT

Even though the learned counsel for the petitioner has very fervently sought for adjournment, I am of the view that it is not necessary to grant adjournment in this case since though the prayer in that regard was made, this court was not inclined to grant stay of the operation of the injunction order, Ext.P4, which was confirmed by the appellate court under Ext.P6 judgment. In other words, injunction orders which are impugned in this Writ Petition have been subsisting all these years. In all probability, the suit itself has been disposed of by the learned Munsiff. The only relief which the petitioner can aspire for is to have an early disposal of the suit uninfluenced by the findings in Exts.P4 and P6.

Accordingly, I dispose of the Writ Petition directing the Munsiff, Ettumanoor to dispose of OS No.279 of 2002(if not already disposed of) at the earliest uninfluenced in any manner by the observations and findings contained in Ext.P2 passed by himself and those in Ext.P6 judgment of the District Judge. The learned Munsiff will treat those findings as provisional and made only for the purpose of interlocutory

proceedings. The suit will be decided by the learned Munsiff on the basis of evidences comes on record at trial.

PIUS C. KURIAKOSE, JUDGE

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